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SENATE

REPORT
99-244

THERESE NYUWIRPOUPELE KPODA

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DEPOSITORY 326

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 129]

The Committee on the Judiciary, to which was referred the bill (S. 129) for the relief of Therese Nyuwir Poupele Kpoda, having considered the same, reports favorably thereon with an amendment and amendment to the title and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, in line 4, strike the name "Therese Nyuwir Poupele Kpoda" and insert in lieu thereof "Therese Nyuwirpoupele Kpoda".
2. Amend the title of the bill so as to read: "A bill for the relief of Therese Nyuwirpoupele Kpoda.".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Therese Nyuwirpoupele Kpoda. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

STATEMENT OF FACTS

The beneficiary of the bill is a 49-year-old native and citizen of Upper Volta. She is divorced and has a 20-year-old son who is a native and resident of Ghana. She resided in Ghana from 1936 to 1982 when she returned to Upper Volta after learning that she was a citizen of Upper Volta and not Ghana. She visited the United States in 1979 to attend the American Association of University

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Women in Washington, D.C. She entered the United States as a visitor on November 12, 1983, and has obtained employment as a child monitor and is now residing in Greenwich, Connecticut.

A letter, with attached memorandum, dated June 27, 1984, to the Chairman of the Senate Committee on the Judiciary from the Immigration and Naturalization Service with reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, June 27, 1984.

A24357129.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 2518) for the relief of Therese Nyuwir Poupele Kpoda, there is attached a memorandum of information concerning the beneficiary.

The bill would grant the beneficiary permanent residence in the United States, as of the date of its enactment, upon payment of the required visa fee. It would also direct that a visa number deduction be made.

The beneficiary, a native of Upper Volta, is chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

S/ MARVIN T. ELY,
(For Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: S. 2518

The beneficiary, Therese Nyuwir Poupele Kpoda, whose name is spelled Therese Nyuwirpoupele Kpoda, also known as Therese Ninnang, a native and citizen of Upper Volta, was born on April 1, 1936. She is divorced and has one child, born December 18, 1963, who is a native and resident of Ghana. The beneficiary presently resides at the residence of Senator Lowell Weicker in Greenwich, Connecticut, where she is employed as a child monitor, earning approximately $200 per week. She claims no other income or assets. The beneficiary has no close relatives residing in the United States. Her father is deceased and her mother is a citizen and resident of Ghana. She has no siblings.

The beneficiary resided in Ghana from 1936 to 1982 when she returned to Upper Volta after learning that she was a citizen of Upper Volta and not Ghana. The beneficiary's father was a missionary in Ghana, and because of his work the beneficiary was raised and educated in Ghana. She had also at one time traveled with a passport issued by the Government of Ghana.

The beneficiary's education is in the field of education, as she was awarded teachers certificates issued by the Government of Ghana. She also has training in various fields, such as a two-year housecraft course and in food hygiene. She was also awarded an advanced certificate in education by the University of Bristol, Bristol, England.

The beneficiary was employed as a teacher in Ghana from 1954 to 1982. She had also visited the United States on a prior occasion from September 1979 to November 1979 to attend the American Association of University Women at the American University in Washington, D.C. At that time she was using a passport issued by the Government of Ghana.

On November 12, 1983, she entered the United States as a visitor, and was authorized to remain until May 11, 1984. At that time she used a passport issued by the Government of Upper Volta. In March of 1984, through a referral of a friend, she obtained employment as a child monitor at the residence of Senator Weicker.

Deportation proceedings have been instituted against the beneficiary on the ground that she has remained in the United States for a longer period of time than authorized.

Senator Lowell P. Weicker, Jr., submitted the following information in support of his bill:

U.S. SENATE,
Washington, DC, January 7, 1985.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the Senate Judiciary Committee's Rules of Procedure concerning private legislation. I respectfully ask that the Committee request a departmental report on behalf of Ms. Therese Nyuwir Poupele Kpoda. I also respectfully urge favorable consideration of the private bill, S. 129, that I introduced on her behalf. S 129 is identical to S. 2518, a bill that I introduced during the 98th Congress. However, due to the end-of-session time crunch, the bill was never taken up by the House or its Judiciary Committee.

As you may recall, Ms. Kpoda entered the United States at J.F.K. Airport, New York on November 12, 1983 on a visitors visa. At that time, Ms. Kpoda was 47 years old; she is now 48 years old. Ms. Kpoda was born in Tovor-Dissen, Republic of Upper Volta, on April 1, 1936. She is now residing in Greenwich, Connecticut. Ms. Kpoda obtained her visa (expired May 11, 1984) at the U.S. Consulate located in Ouagadougou, Republic of Upper Volta on October 18, 1983.

Put very simply, Ms. Kpoda is in the United States as a visitor. Yet, her circumstances have changed dramatically since she arrived. Due to a fine education, Ms. Kpoda learned that she is eminently and uniquely qualified to provide complete care to handicapped children with special needs. Such employment is available

to her in the United States, and she is desirous of it. Accordingly, Ms. Kpoda would like to change her visa to that of a worker eligible for permanent residency.

However, as I understand the regulations, an application to change her status could trigger immediate deportation proceedings. Even if Ms. Kpoda were to return to her homeland, a workers visa may be denied due to her previous visitor's status. After an exhaustive probe of all judicial and administrative remedies, I find no other alternative but to pursue the route of private legislation to assist Ms. Kpoda. She is a person of the very highest moral character, industrious and exhibits the greatest respect for the principles of this nation. She is unfortunately caught in a "catch 22" as she tries to change her visa status for very legitimate reasons.

In sum, I know of no other way to proceed on Ms. Kpoda's behalf. Again, I respectfully ask the Committee to assist me in this effort by expediting consideration of S. 129 so that the House may consider it during this Congress.

Thank you for your kind assistance in this matter.

Sincerely,

LOWELL WEICKER, JR.,
U.S. Senator.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact, inasmuch as it affects just one individual.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 129), as amended, should be enacted.

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